

THE WARRANT  
**ANNUAL TOWN MEETING – JUNE 2 & 9, 2015**  
TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the **Emerson School Gymnasium** in said Town on Tuesday the second day of June, A. D., 2015 at **seven fifteen** o'clock in the afternoon, then and there to act on *Articles A through ZZ*;

And to notify and warn said voters to meet in the **Municipal Building, Third Floor Auditorium** in said Town on Tuesday, the ninth day of June, A. D., 2015 at eight o'clock in the forenoon until eight o'clock in the afternoon, then and there to act on *Articles One through Four* of said article being set out below to wit:

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***Reminder***

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~ Voter Check-in Required ~

“Open Town Meeting”, June 2nd, all Voters must check-in at the table in the lobby outside the gym to obtain a voter card prior to entering the Town Meeting. Voters are encouraged to arrive at least 30 minutes before the start of the meeting.

LD#1, Property Tax Relief, requires voter hand count and written ballot on several Articles.

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<p><b>MDIHS Jazz Band at 7:00 p.m.</b> <b>Prior to Open Town Meeting</b> Action on the following articles will be on the Town Meeting floor <b>Tuesday, June 2, 2015 starting at 7:15 p.m.</b> <b><i>Emerson School Gymnasium</i></b></p>
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**Article A    ELECTION OF MODERATOR** - To choose a Moderator to preside at said meeting.

**Article AA RESOLUTION** – Recognition to retired moderator Chad Smith for his many years of service to the Town of Bar Harbor.

**Article B ELECTION OF WARRANT COMMITTEE MEMBERS** - To elect Warrant Committee members as required by Section C-34 of the Town Charter.

**Note: Articles C through M authorize expenditures in cost center categories.**

**Article C EDUCATION BUDGET EXPENDITURES: Regular Instruction** - To see what sum the School Committee is authorized to expend for **Regular Instruction** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$2,436,050	\$2,436,050	\$2,436,050

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article D EDUCATION BUDGET EXPENDITURES: Special Education** - To see what sum the School Committee is authorized to expend for **Special Education** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$1,199,081	\$1,199,081	\$1,199,081

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 0 with one abstention..*

**Article E EDUCATION BUDGET EXPENDITURES: Career and Technical Education** – To see what sum the School Committee is authorized to expend for

**Career and Technical Education** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
<b>Recommendations:</b>	\$ 0	\$ 0	\$ 0

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article F EDUCATION BUDGET EXPENDITURES: Other Instruction** - To see what sum the School Committee is authorized to expend for **Other Instruction** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
<b>Recommendations:</b>	\$ 85,535	\$ 85,535	\$ 85,535

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 0 with one abstention.*

**Article G EDUCATION BUDGET EXPENDITURES: Student & Staff Support** - To see what sum the School Committee is authorized to expend for **Student & Staff Support** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
<b>Recommendations:</b>	\$ 565,038	\$ 565,038	\$ 565,038

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 18 to 1 with one abstention.*

**Article H EDUCATION BUDGET EXPENDITURES: System Administration** - To see what sum the School Committee is authorized to expend for **System**

**Administration** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 121,907	\$ 121,907	\$ 121,907

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 0 with one abstention.*

**Article I**      **EDUCATION BUDGET EXPENDITURES: School Administration** - To see what sum the School Committee is authorized to expend for **School Administration** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 356,954	\$ 356,954	\$ 356,954

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 0 with one abstention.*

**Article J**      **EDUCATION BUDGET EXPENDITURES: Transportation & Buses** - To see what sum the School Committee is authorized to expend for **Transportation & Buses** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 248,510	\$ 248,510	\$ 248,510

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article K EDUCATION BUDGET EXPENDITURES: Facilities Maintenance** - To see what sum the School Committee is authorized to expend for **Facilities Maintenance** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 592,183	\$ 592,183	\$ 592,183

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article L EDUCATION BUDGET EXPENDITURES: Debt Service and Other Commitments** - To see what sum the School Committee is authorized to expend for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 0	\$ 0	\$ 0

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article M EDUCATION BUDGET EXPENDITURES: All Other Expenditures** - To see what sum the School Committee is authorized to expend for **All Other Expenditures** for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
<b>Recommendations:</b>	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 95,000	\$ 95,000	\$ 95,000

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Note: Articles C – M authorize a total budget of:**

<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
\$5,700,258	\$5,700,258	\$5,700,258

**Note: Articles N & O raise funds for the Proposed School Budget**

**Article N EDUCATION BUDGET: Essential Programs and Services** – To see what sum the voters of the Town of Bar Harbor will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends \$3,939,474) and to see what sum the voters of the Town of Bar Harbor will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2015 to June 30, 2016.

*Explanation: The Town of Bar Harbor's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
<b>Recommendations:</b>			
<i>State Subsidy</i>	\$ 247,015	\$ 247,015	\$ 247,015
<i>Town's Minimum Share</i>	\$3,692,459	\$3,692,459	\$3,692,459
<i>State's Essential Programs &amp; Services Model</i>	\$3,939,474	\$3,939,474	\$3,939,474

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 0 with one abstention.*

**Note: Article O raises additional local funds recommended to support the proposed school budget**

**Article O EDUCATION BUDGET: Tax Cap Override** - To see what sum the voters of the Town of Bar Harbor will raise and appropriate in additional local funds for school purposes for the period July 1, 2015 to June 30, 2016, which exceeds the

State's Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee.

*Written Ballot Vote Required*

***Explanation:***

*The additional local funds are those locally raised funds over and above the Town of Bar Harbor's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Bar Harbor's budget for educational programs. The School Committee recommends the additional local funds shown below and gives the following reasons for exceeding the State's Essential Programs and Services funding model. The State funding model underestimates the actual costs to fully fund the proposed budget.*

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
<b><i>Recommendations:</i></b>			
<i>Additional Local Funds</i>	<i>\$1,531,210</i>	<i>\$1,531,210</i>	<i>\$1,531,210</i>
<i>Exceeding EPS by</i>	<i>\$1,447,307</i>	<i>\$1,447,307</i>	<i>\$1,447,307</i>

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 0 with one abstention.*

**Note: Articles N & O raise a total town appropriation of:**

<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
<i>\$5,223,669</i>	<i>\$5,223,669</i>	<i>\$5,223,669</i>

**Note: Article P summarizes the proposed school budget and does not authorize any additional expenditures**

**Article P**

**EDUCATION BUDGET: Total Expenditures-** To see what sum the voters of the Town of Bar Harbor will authorize the School Committee to expend for the fiscal year beginning July 1, 2015 and ending June 30, 2016 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

<i><b>Recommendations:</b></i>	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
	\$5,700,258	\$5,700,258	\$5,700,258

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 0 with one abstention.*

**Article Q EDUCATION BUDGET: State, Federal, and Other Funds** - In addition to the amount in Articles C – P, shall the School Committee be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2015-2016 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

*Current Year Totals: \$206,577*

***Recommendations:***

*The School Committee recommends adoption.*

*The seven member Town Council recommends adoption by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article R - PUBLIC SAFETY BUILDING** – Shall the Town of Bar Harbor:

1. **Authorize** the Town Council to provide for masonry improvements for its downtown area, said project, known as the **Public Safety Building Renovations** to include the following:

- Repairs, replacement and renovations of its building envelope, including all failing masonry and brick stonework
- Renovations that the Council may deem necessary or appropriate due to issues that are revealed during the course of construction
- Other activities that are reasonably related to the project

2. **Appropriate** the sum of Four Hundred Thousand dollars (\$400,000) to provide for the costs of said project, including engineering, design work and transaction costs;

3. **Authorize** the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue general obligation securities of



the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Four Hundred Thousand Dollars (\$400,000); and

4. **Delegate** the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council.

#### FINANCIAL STATEMENT

As of June 2, 2015

**1. Total Town Indebtedness- Principal**

A. Bonds outstanding and unpaid	\$18,442,288
B. Bonds authorized and unissued (June 2015)	- 0
C. Bonds to be issued if this article is approved:	\$400,000

**2. Costs**

At an estimated interest rate of 3.75% for a Twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal:	\$400,000
Interest:	<u>\$175,697</u>
<u>Total Debt Service:</u>	<u>\$575,697</u>

**3. Validity**

The validity of the bond and of the voters' ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

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Stanley W. Harmon  
Treasurer  
Town of Bar Harbor

***Explanation:***

*Council's goal E.13 Infrastructure is to "Develop a plan for protecting the integrity of the Fire Station building envelope and include recommendations in the capital improvement plan". Our building consultant has provided an estimate for the proper renovation of the masonry brickwork of this 1911 built historic building. Detail design plans for the areas that need repair are currently being worked on.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article S - WATER MAIN REPLACEMENT-ROUTE #3** – Shall the Town of Bar Harbor:

1. **Authorize** the Town Council to provide for water main improvements for its Route#3 corridor area, from Ireson Hill to West Street, said project, known as the **Route #3 water main replacement** to include the following:

- Repairs and replacement of its distribution mains, including all connecting services, hydrants and in-line gate valves
- Relocation of mains
- Other activities that are reasonably related to the project

2. **Appropriate** the sum of One Million Seven Hundred Thousand dollars (\$1,700,000) to provide for the costs of said project, including engineering, design work and transaction costs;

3. **Authorize** the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Four Hundred Thousand Dollars (\$1,700,000); and

4. **Delegate** the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council.

**FINANCIAL STATEMENT**

As of June 2, 2015

**1. Total Town Indebtedness- Principal**

A. Bonds outstanding and unpaid	\$18,442,288
B. Bonds authorized and unissued (June 2015)	- 0
C. Bonds to be issued if this article is approved:	\$1,700,000

**2. Costs**

At an estimated interest rate of 3.75% for a twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal:	\$1,700,000
Interest:	<u>\$746,711</u>
<u>Total Debt Service:</u>	<u>\$2,446,711</u>

**3. Validity**

The validity of the bond and of the voters' ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

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Stanley W. Harmon  
Treasurer  
Town of Bar Harbor

***Explanation:***

*Council's goal E.1 Infrastructure is to "Support, monitor and actively engage MDOT and our State and Federal delegations to ensure Route 3 reconstruction is completed". The Town's taxpayers have already appropriated \$540,000 as part of an agreement with MDOT as its share of the construction costs of this project. However, because there is necessary relocation of mains and hydrants involved, there is the requirement to upgrade the Town's Rte #3 water main, hydrants and valves. There will be a larger main installed with increased flow, hydrants, services & mains moved away from the travel lanes. The cost for this project is estimated at \$1,700,000 and the debt service costs are to be paid by the water ratepayers.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 4 to 2.  
The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article T - LEASES FOR COMMUNITY SOLAR FARMS AND POWER PURCHASE**

**AGREEMENTS:** To see if the Town will vote to authorize the Town Council to enter into one or more lease agreements with: 1) one or more Associations that are comprised entirely of local residents, on terms that the Council deems appropriate, for the purpose of siting and developing one or more Community Solar Farms (CSFs); and 2) ReVision Energy of Liberty and Portland, Maine (a solar energy design and installation company), or its successor or a similar company, on terms that the Council deems appropriate, for the purpose of enabling the Town to enter into one or more long-term Power Purchase Agreements for solar energy. Copies of the "Community Solar Farm Letter of Intent to Execute Ground Lease and Exclusivity Agreement", which is the initial leasing document, are available at the Town Clerk's office.

***Explanation:*** *This action would allow the Town of Bar Harbor to lease town-owned land and/or suitable roof space to one or more separate Associations of Bar Harbor residents to develop one or more Community Solar Farms (CSFs). CSFs are defined as solar energy generation facilities that are 100% owned and operated by residents living in the local community. CSFs offer the opportunity for residents to co-invest in, and co-own, solar generation and are of particular interest to residents who are not able to install solar electricity generation on their own property (i.e., poor site, unsuitable roof, no land, other restrictions, etc.). The value of the electricity generated would be credited to the Emera accounts of the members of the associations. In leasing its property, the Town would enable the siting of one or more CSFs on town-owned land. The initial Association would lease the space on the town's salt shed roof to install solar panels for a minimum of 30 years. All Associations would pay the Town an annual fee of \$15/kW (which is a rate consistent with*

*industry norms in Maine), and would be responsible for all operations, maintenance, and liability associated with the solar panels. The benefits to the Town include annual lease payments for the life of the lease for each CSF created. The benefits to residents include the opportunity to participate in a CSF located in Bar Harbor.*

*This action would also allow the Town of Bar Harbor to lease town-owned land and/or suitable roof space to ReVision Energy or to a similar company. Passage of this warrant article would enable the Town and a solar energy company to enter into one or more long-term contracts for on-site solar electricity generation on town-owned property that would offset all or part of the Town's electricity needs, in exchange for the Town paying no upfront costs and monthly payments comparable to its current monthly costs for that share of generation.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 4 to 2.*

*The 22 member Warrant Committee recommends approval by a vote of 11 to 9.*

**Article U    MUNICIPAL BUDGET: Expenditures** - To see what sum the Town will raise and appropriate for the Municipal Budget for FY16 (7/1/15 TO 6/30/16).

***Explanation:***

*This is the total amount that the Town Council is allowed to spend from all sources except grants and donations, as provided in Article X, and from reserve accounts.*

<b><i>Recommendations:</i></b>	<b><i>Town Council</i></b>	<b><i>Warrant Committee</i></b>
<b><i>Total Expenditures</i></b>	<b><i>\$10,985,591</i></b>	<b><i>\$10,985,591</i></b>

*The seven member Town Council recommends approval, by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article V    MUNICIPAL BUDGET: Other Revenues** - To see what sum the Town will vote to reduce the amount to be raised by taxation by using estimated revenues and fund balance for the Municipal Budget for FY16 (7/1/15 TO 6/30/16).

***Explanation:***

*In addition to property taxes, the Town receives other revenues from fees, licenses, excise taxes, etc., and we sometimes use monies left over from prior years (fund balance). The funds shown in this article reduce the amount of property taxes that have to be raised.*

<b>Recommendations:</b>	<b>Town Council</b>	<b>Warrant Committee</b>
<i>Other Revenues</i>	\$4,183,322	\$4,183,322
<i>Fund Balance</i>	\$ 70,287	\$ 70,287

*The seven member Town Council recommends approval, by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article W MUNICIPAL BUDGET: Tax Cap Override** – To see if the Town will vote to increase the property tax levy limit of \$6,774,604 established for the Town of Bar Harbor by State law in the event that the Municipal Budget approved by the Town results in a tax commitment that is greater than the property tax levy limit.

*Written Ballot Vote Required.*

***Explanation:***

*In 2005 the State Legislature passed a “tax reform” law known as LD#1. This bill created a maximum municipal tax levy based upon this year’s tax, plus an allowance for personal income growth and the town’s tax base growth due to new construction. However, LD#1 allows Bar Harbor voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot. Using the State’s formula, the maximum tax levy for Bar Harbor’s Municipal Budget is \$6,774,604. As detailed in your copy of the annual Town Report, it appears that the proposed budget is \$42,622 below the tax cap. However, due to the complexities of that law, a vote is still recommended to avoid any potential problems which may arise.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article X MUNICIPAL BUDGET: Grants and Donations** – In addition to the amount in Article U, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY16 (7/1/15 TO 6/30/16) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated?

***Explanation:***

*From time to time, the Town Council receives funds from state and federal grants, and donations, as well as sources other than local tax dollars. This article gives the Town Council the authority to spend such funds, as long as no local property tax*

*dollars are required to match them, other than those already in the budget.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article Y    PREPAYMENT OF TAXES** - To see if the Town will vote to accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached.

***Explanation:***

*On rare occasions, taxpayers need to pay their taxes before they have been billed.*

*The Town Treasurer cannot accept such early payments unless an article is passed.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article Z    TAX DUE DATE AND INTEREST RATE** - To see if the Town will vote that the first half taxes shall be due and payable on or before September 30, 2015 and that second half taxes shall be due and payable on or before March 31, 2016 and that interest shall be charged at the annual rate of 7.0% on any unpaid taxes due on September 30, 2015 beginning October 1, 2015 and on any unpaid taxes due March 31, 2016 beginning April 1, 2016.

***Explanation:***

*The due dates proposed are essentially the same as last year. The proposed interest rate is the highest allowed by State Law to encourage taxes to be paid on time.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 20 to 0.*

**Article ZZ    OVERPAYMENT OF TAXES** - To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2015 at 3.0% per year

on the amount of overpayment.

***Explanation:***

*If a taxpayer wins a tax appeal against the Town, we must pay them interest on the amount of the difference. We are required by law to set that amount each year. We are suggesting the lowest interest rate allowed by law, which is 4% less than what we charge for late payments.*

***Recommendations:***

*The seven member Town Council recommends approval, by a vote of 6 to 0.*

*The 22 member Warrant Committee recommends approval by a vote of 19 to 1.*

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**Election of Town Officers**

**Action on the following articles will be at the Town Election with  
Polls Open Tuesday, June 9, 2015, from 8:00 a.m. to 8:00 p.m.**

***Municipal Building Auditorium***

**Article 1    ELECTION OF OFFICERS** - To elect Town Officers as are required to be elected by secret ballot.

**Article 2    LAND USE ORDINANCE: Adoption of a new Land Use Ordinance (Repeal and Replacement of current LUO)** – Shall an Ordinance entitled “An ordinance to repeal the existing Land Use Ordinance and replace it by adoption of the Land Use Ordinance of the Town of Bar Harbor, Maine dated December 15, 2014” be enacted?

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*Full text of the new Land Use Ordinance, Chapter 125 of the Town Code, is on file in the Town Clerk's office. The version to be adopted shall be the 'clean' version.*

*The clean version dated 12/15/14 is also viewable at the Planning Department, Jesup Memorial Library, and on the Town's website: [www.barharbormaine.gov](http://www.barharbormaine.gov) – Town Hall – Planning Department – <http://www.barharbormaine.gov/DocumentCenter/View/820>*

***Explanation:***

*In accordance with the 2007 Bar Harbor Comprehensive Plan, which set out implementation goals to simplify the Land Use Ordinance (LUO) and Land Use Map and to address problems with layout and inconsistency in the current document, the entire LUO has been reorganized and revised and Appendix C has been eliminated. By enactment of the newly revised LUO, in its entirety, the current LUO will be **repealed and replaced** by the new version to the extent that any of the changes conflict with provisions of the current LUO. Articles I through VI, VIII, XI, XII, XIII, and Appendix A have been revised; there are no revisions proposed for Articles VII, IX, or X.*

***Recommendations:***

*The five member Planning Board recommends approval, by a vote of 3 to 0.  
The 22 member Warrant Committee recommends approval by a vote of 12 to 5 with 3 abstentions.*

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**ARTICLE 3 - LAND USE ORDINANCE AMENDMENT – Definition of Public Utility Installation –**  
Shall an Ordinance dated January 12, 2015 and entitled “An amendment to add a definition of Public Utility Installation and amend Appendix C Table of Permitted Uses” be enacted?

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**Public Utility Installation**

**An amendment to add a definition of Public Utility Installation  
and amend Appendix C Table of Permitted Uses**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

**Chapter 125, LAND USE ORDINANCE**

\*\*\*

**Article XII Construction and Definitions**

\*\*\*

**§125-109 Definitions**

\*\*\*



**PUBLIC UTILITY INSTALLATION** – The act of connecting to utilities services such as electricity, water, sewer, telephone and cable television, as accessory to a permitted use or structure.

\*\*\*

### Land Use 125 Attachment 6, Appendix C Table of Permitted Uses

#### Key to Appendix C Table of Permitted Uses:

##### *Permissibility of Use*

**a** = Activity or structure allowed without a permit, provided it complies with all provisions of this chapter.

**b** = Activity or structure requires approval through site plan review process before it may be commenced or built.

**c** = Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built.

\*\*\*

blank space = activity prohibited.

##### *Footnotes*

\*\*\*

**2** CEO permit required for uses or structures with total developed area not exceeding 2,000 square feet; Planning Board approval required for uses or structures with total developed area of more than 2,000 square feet.

\*\*\*

#### Apply the following changes to Appendix C Table of Permitted Uses:

District	Public utility installation
Downtown Residential	eb2 <u>a</u>
Educational Institution	<u>a</u>
Emery	eb2 <u>a</u>
Hulls Cove Business	eb2 <u>a</u>
Hulls Cove Residential Corridor	eb2 <u>a</u>
Hulls Cove Rural	eb2 <u>a</u>
Indian Point Residential	eb2 <u>a</u>
Indian Point Rural	<u>a</u>
Industrial	eb2 <u>a</u>
Ireson Hill Corridor	eb2 <u>a</u>
Ireson Hill Residential	<u>a</u>
Marine Research	<u>a</u>
McFarland Hill Residential	eb2 <u>a</u>
McFarland Hill Rural	eb2 <u>a</u>
Otter Creek	eb2 <u>a</u>
Resource Protection	<u>a</u>
Salisbury Cove Corridor	eb2 <u>a</u>

Salisbury Cove Residential	eb2	<u>a</u>
Salisbury Cove Rural	eb2	<u>a</u>
Salisbury Cove Village	eb2	<u>a</u>
Schooner Head		<u>a</u>
Scientific Research		<u>a</u>
Shoreland General Development I		<u>a</u>
Shoreland General Development II	eb2	<u>a</u>
Shoreland Limited Residential	eb2	<u>a</u>
Stream Protection		<u>a</u>
Town Hill Business	eb2	<u>a</u>
Town Hill Residential Corridor	eb2	<u>a</u>
Town Hill Residential	eb2	<u>a</u>
Town Hill Rural	eb2	<u>a</u>

**Explanation:** The purpose of this amendment is to clarify the meaning of *public utility installation*. This definition is based on the existing ordinance definition of utilities (defined as “All public services, such as electricity, water, sanitary sewer, stormwater drainage, telephone and cable television”) and on the meaning of installation as used in other parts of the Land Use Ordinance, meaning to connect to public utilities services. *Public utility installation* is already an activity allowed without a permit in the downtown and historic districts and in two shoreland districts. Changing the level of review for *public utility installation*, to an activity allowed without a permit for remaining districts listed on Appendix C, means that access to utilities is allowed in all Bar Harbor districts.

In the event of formatting changes, or the repeal or replacement of any part of this Ordinance, it is the clear intent of this amendment that public utility installation be an activity allowed as accessory to permitted uses and structures in districts as listed herein.

**Recommendations:**

*The five member Planning Board recommends rejection, by a vote of 4 to 0.*

*The 22 member Warrant Committee recommends approval, by a vote of 14 to 1, with one abstention.*

**ARTICLE 4 - LAND USE ORDINANCE AMENDMENT – Public Utility Facility –**

Shall an Ordinance dated January 12, 2015 and entitled “An amendment to add a definition of Public Utility Facility and to amend Appendix C Table of Permitted Uses and Allowed Uses in Bar Harbor Gateway, Downtown Village I and Downtown Village II” be enacted?

**Public Utility Facility**

**An amendment to add a definition of Public Utility Facility and to amend**

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**Appendix C Table of Permitted Uses and Allowed Uses in Bar Harbor Gateway,  
Downtown Village I and Downtown Village II**

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

**Chapter 125, LAND USE ORDINANCE**

\*\*\*

**Article XII Construction and Definitions**

\*\*\*

**§125-109 Definitions**

\*\*\*

PUBLIC UTILITY FACILITY – Structures such as electric substations or similar facilities of a scale and character commonly found only in a few specialized locations in the Town, necessary to the delivery of electricity or other services regulated by the Maine Public Utilities Commission, but excluding wind turbines and wireless communication towers.

\*\*\*

**Article III. Land Use Activities and Standards**

\*\*\*

**§125-17. Bar Harbor Gateway**

\*\*\*

**D. Uses allowed by site plan:**

- (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.
- (2) Uses allowed by conditional use permit: public utility facility.

\*\*\*

**§125-21. Downtown Village 1.**

\*\*\*

## C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship.[Amended 11-5-2013]
- (2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction.
- (3) Uses allowed by conditional use permit: public utility facility.

\*\*\*

**§125-21.1 Downtown Village 1I.**

\*\*\*

## C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio
- (2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers
- (3) Uses allowed only by conditional use permit: public utility facility.

\*\*\*

**LAND USE 125 Attachment 6, Appendix C Table of Permitted Uses****Key to Appendix C Table of Permitted Uses*****Permissibility of Use***

\*\*\*

**k** = Activity or structure requires conditional use permit before it may be commenced, built, enlarged, or modified.

\*\*\*

blank space = activity prohibited

**Footnotes**

\*\*\*

**13** Only if constructed prior to January 1, 2015.

\*\*\*

**Appendix C Amendment**

*Apply the following changes to Appendix C Table of Permitted Uses:*

District	<u>Public utility facility</u>
Downtown Residential	
Educational Institution	
Emery	
Hulls Cove Business	
Hulls Cove Residential Corridor	
Hulls Cove Rural	
Indian Point Residential	
Indian Point Rural	
Industrial	<u>k</u>
Ireson Hill Corridor	
Ireson Hill Residential	
Marine Research	
McFarland Hill Residential	<u>k 13</u>
McFarland Hill Rural	
Otter Creek	
Resource Protection	
Salisbury Cove Corridor	
Salisbury Cove Residential	
Salisbury Cove Rural	
Salisbury Cove Village	
Schooner Head	
Scientific Research	
Shoreland General Development I	
Shoreland General Development II	
Shoreland Limited Residential	
Stream Protection	
Town Hill Business	
Town Hill Residential Corridor	
Town Hill Residential	
Town Hill Rural	<u>k 13</u>

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**Explanation:** This zoning amendment enables electric substations to be sited near the load center of highest use while protecting residential neighborhoods from incompatible industrial uses. The Conditional Use Permit requirement enables the Planning Board to require that the architectural scale, design, and landscaping treatment of the use shall be compatible with other development in the area and be fully or partially enclosed, as may be necessary to provide compatibility. An example of a partially enclosed substation that has been providing electricity to Bar Harbor since 1892 is located in the Bar Harbor Electric Light Company building at 18 Edgewood Street in the Downtown Village II district.

In the event of formatting changes, or the repeal or replacement of any part of this Ordinance, it is the clear intent of this amendment that public utility facility be allowed only by conditional use permit in districts as listed herein.

**Recommendations:**

*The five member Planning Board recommends rejection, by a vote of 4 to 0.*

*The 22 member Warrant Committee recommends approval, by a vote of 13 to 1, with two abstentions.*

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The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, June 9, 2015 for election of Town officers and referendum. Absentee ballots will be processed on Election Day every hour on the hour starting at 9:00 a.m. until 8:00 p.m. ***The last day to request an absentee ballot or to cast a ballot in person at the Municipal Building, prior to Election Day, is Thursday, June 4th.***

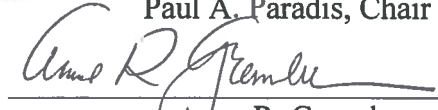
The Registrar of Voters of the Town of Bar Harbor hereby gives notice that she or her designee will be at the Municipal Offices on Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, at town meeting, and poll hours on Election Day for the registration of persons desiring to register for this election. Must provide proof of identity and official document showing physical address, not a post office box. A Maine Driver's license with current physical address would satisfy both requirements.

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Given under our hands and seal at Bar Harbor this seventh day of May 2015.

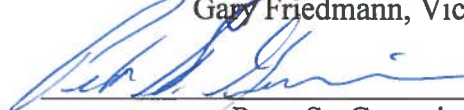
Municipal Officers of the Town of Bar Harbor

  
Paul A. Paradis, Chair

  
Anne R. Greenlee

  
Burt O. Barker 5/7/15

  
Gary Friedmann, Vice-Chair

  
Peter St. Germain 5/7/15

  
David Bowden

  
J. Clark Stivers

Attest:

A true copy

Patricia A. Gray, Town Clerk of Bar Harbor

CONSTABLE'S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting an attested copy of the within Warrant on the Bulletin Board, Municipal Offices, being a conspicuous public place within said Town on the 11<sup>th</sup> day of May in the year of our Lord Two Thousand and Fifteen.

Attest:   
Constable of the Town of Bar Harbor Time: 1955

Attest:

A true copy

  
Patricia A. Gray Town Clerk of Bar Harbor